IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3229 OF 2005
IN
FIRST APPEAL NO. 917 OF 2004

Sharadchandra N. Avasekar ..Appellant
versus
Chitrakant N. Avasekar & Anr. ..Respondents

Mr. S. Sakhare for the Appellant.
Mr. Rupesh Nalavade for the Respondents.

CORAM : D. G. DESHPANDE,J.
DATE : 19TH AUGUST,2005

P.C. :

1. Heard.

2. This is an application for setting aside the order of dismissal. Application is strongly opposed by the counsel for the respondents on the ground that this is the second time that the appeal was dismissed and both the times it was on account of negligence of the appellant and/or his Advocate. However, looking to the facts, this application is allowed subject to payment of cost of Rs.2,500/- (Rupees Two Thousand Five Hundred). Cost to be paid within one week. Payment of cost condition precedent. Non payment of the cost will result in maintenance of the earlier order.

19.8.2005 (D.G. DESHPANDE, J.)